

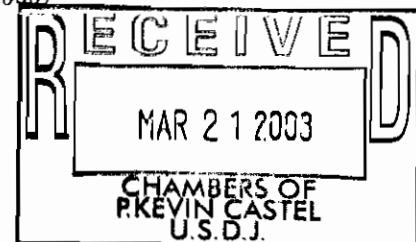


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U.S. Department of Justice

United States Attorney  
Southern District of New York86 Chambers Street, 3rd Floor  
New York, New York 10007

March 21, 2008

**MEMO ENDORSED****BY HAND**

The Honorable P. Kevin Castel  
 U.S. District Judge  
 Daniel Patrick Moynihan Courthouse  
 500 Pearl St., Room 2260  
 New York, NY 10007

Re: *Sulton v. Peters*, 08 Civ. 2435 (PKC)

Dear Judge Castel:

OK

The Government respectfully writes to seek an extension of time to answer the complaint in the above-referenced case, until April 15, 2008. This employment discrimination case was recently transferred pursuant to 28 U.S.C. § 1406 from the District of Columbia to the Southern District of New York by the Honorable Emmet G. Sullivan. See *Sulton v. Peters*, 07 Civ. 1470 (D.D.C.) (EGS). This is the second time this case has been in the Southern District of New York. The plaintiff previously filed a complaint alleging employment discrimination against the Secretary of Transportation, but voluntarily dismissed the case in order to pursue the litigation in the District of Columbia. See *Sulton v. Mineta*, 06 Civ. 11363 (RWS).

Although the plaintiff is currently listed as *pro se* in this case, he is in fact represented by counsel – Ms. Anne Sulton, Esq. Ms. Sulton’s address and phone number are listed below. Ms. Sulton has informed the Government that she is currently in the process of retaining local counsel and will shortly be filing a motion for admission *pro hac vice*. Ms. Sulton has indicated that plaintiff consents to the Government’s request for an extension of time to answer the complaint.

In addition, the Government notes that, while the case was still pending in the District of Columbia, the plaintiff filed a motion for partial summary judgment. The motion was opposed by the U.S. Attorney’s Office for the District of Columbia, but Judge Sullivan did not render a decision on the motion. Plaintiff’s counsel has agreed that this motion should be held in abeyance, pursuant to Rule 56(f) of the Federal Rules of Civil Procedure, until the end of discovery. At such time, this Office will likely seek leave to re-brief the motion.

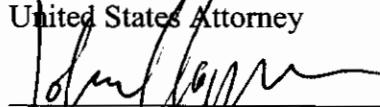
*Approved [Signature]  
S. S. [Signature]*

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:

  
JOHN D. CLOPPER  
Assistant United States Attorney

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Department  
of Columbia  
Docket # 11

Time to respond to  
is granted extended to April 15, 2008 P.  
The motion for summary  
judgment is deemed withdrawn  
without prejudice to refiling  
after the close of discovery, I will  
receive new briefing after all Rule 56(F)  
claims or potential claims are concluded.  
SO ORDERED  
3/24/08

J. B. Smith  
3-24-08